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DEFINING THE ROLE OF JUDICIARY IN STATE AND PUBLIC LIFE: HISTORY AND PRESENT (THE EXAMPLE OF UKRAINE AND JAPAN)

This article aims to research historical and legal role of judicial authorities and institutions in a state and society, as well as comparison of Ukrainian and Japanese experience of building trust and confidence in the judiciary at a particular historical period of 1920–1930 years and at present. As a factor of influence on the role of courts in Ukraine was evaluated Bolsheviks coming to the power, formation of judicial corps of professional revolutionaries, absence of new legislation and complete rejection of prerevolutionary legislation. It was investigated the influence of bureaucratic and command-administrative features in the Soviet Ukraine judicial system. The problem was considered in relation to the objectives of contemporary judicial reform in Ukraine and international experience by studying the same historical period in the history of Japanese judiciary. Thus, the article studied influence of citizens, judges, legislative and executive bodies, prosecution and head of state on formation of a role of courts in a state.
Key words: judiciary, soviet judiciary, court, justice, judicial independence, judicial reform, social trust and respect.

For about three years we have been working on the problem of understanding the role of judiciary and justice in Ukrainian political and legal thought of 1920 – 1930's years. In this respect, normative material of that period, political-legal doctrine and opinion as well as archival materials which contain specific jurisprudence were analyzed. Memories of contemporaries, results of sociological investigations and others also became an important source of research. Along with this, in our previous publications it was emphasized the issues of formation of judiciary in Ukrainian SSR in the 1920's. It was indicated the features of judicial work of this period and the main features of case management and staffing.

At the same time we are deeply convinced that historical and legal research requires relationship to nowadays and legal realities in comparative measurement. That is why given scientific article devoted to resolve the problem connected with definition of the court role in the state and public life in Ukraine and Japan as countries of Civil Law systems or Romano-Germanic legal family.

Determining the time limits of research deserves separate explanation on the following grounds. Ukraine is a relatively young country which is trying to build the rule of law and civil society on its territory. Particularly important role in this process is given to the court as the main regulator of social relations. As the building of confidence in justice system is happening in the post soviet area, we consider essential reference to the experience of the Soviet period, namely 1920 – 1930's years as a particular historical period.

The purpose of this research paper is to conduct historical and legal study the role of judicial authorities and institutions in the state and society as well as comparison of Ukrainian and Japanese experience of building trust and confidence in the judiciary at a particular historical period of 1920–1930 years and in present.

It has long been known the following postulate. Regardless of how the state arises whether by the conquest of one tribe by another, or by force of one part of people who seize power over the rest of population, or by agreement and voluntary connecting people in a state union, the separation of powers into legislative, executive and judicial branches will always exist. However, methods of the government's actions can be in different relationships to each other. One type of power may become dominant, it can function improperly, abusing its power, it might even join in its face all three kinds of power. Nevertheless, showing each of these branches of state power it will use special techniques, methods of action, regardless of duties of which branch of power it performs: legislative, executive or judicial[1]. Few centuries' Ukrainian

[1] Леонтьев, А.А. (1905). *Суд и его независимость*. Санкт Петербург: Типография Н. Н. Клобукова, 1.

people have been fighting for independence from external aggressors. The ideas of separation of powers, creation and implementation of an effective system of checks and balances have passed red thread through the national liberation process at every stage of it. Has there been preferred implementation of principles as a result of national liberation struggle at early 1920s? The answer is no, because Ukrainian society was too exposed and agreed to the policy of the Bolsheviks. What do we see in the study period in Ukraine? It is possible to mention coming of Soviet power, power struggles, final establishment of Soviet regime and further establishment of totalitarian regime, as well as denial principle of judicial independence and the "principle of unity of judicial and general policy, principle of the identity of goals and objectives implemented by Soviet court with goals and objectives implemented by all the proletarian state[1]».

At the initial stage thousands of ordinary peasants, workers and soldiers were involved in administration of the state and to the judicial activity as a sequence. Given phenomenon can be seen most distinctly during carrying out judicial reform in 1922. But these revolutionaries had neither knowledge nor experience in political and public activities. And Stalin was one of them. For example, Volkogonov (1989) was the first who portraying his political picture, he indicated: "Stalin had no profession; he could not do anything and almost never worked. By the way, man who had no profession had been leading our party and country for 30 years..."[2] Then as a justification for such reasoning, he states: "In the column of profiles "Skills (profession)" policemen were making a dash or were writing "clerk". Filling in questionnaires on the eve of party congresses and conferences, Stalin himself had difficulty in answering questions on occupation and social origin. For example, in the application of delegate to the XI Congress of the WPP (B) (*Worker-Peasant Party (of Bolsheviks)* – M. D.), in which he was involved in an advisory capacity, to the question: "Which social group do you classify yourself (worker, peasant, employee)?" – Stalin did not dare say anything leaving this column pure".

The situation was complicated by the lack of legal framework governing functioning of mechanism of judicial power. Rejecting previous existing legislation[3], the Soviet government has created own legal basis only in five years of its arrival. Judicial reform and codification of law did not make the legal system of Ukraine continental at the time. Contrarily, all of the above steps, taking into account their specific semantic content, probably contributed to the creation of a new socialist legal system i. e. the system with the main features of Civil Law system, but different maintenance. And inside this system appeared socialist court – the court that is one of the instruments of dictatorship.

In the early 1920s, soon after the adoption of the first Soviet decrees on courts, it is possible to find documents on enhancing the authority of the courts[4] and non-interference of administrative bodies in activities of judicial institutions[5]. Subsequently the Soviet government establishes basic principles of the Soviet judicial system, the role and functions of the courts in the system of state power in Ukraine at the level of the Constitutions of 1925, 1937. Implementation of the judicial activity is regulated by the Criminal procedural codes of 1922, 1927.

In middle 1930s Stalin talked a lot about equality and social benefit as the assumptions of socialist democracy and filled niche of "cheap labor" without rights in the camps and exile for the "socialist construction projects" with help of judiciary. In order to correct jurisprudence it is constantly reminded from the "top" that "judges must remember that all the rules of criminal procedure have deep political significance"[6]. At the same time "Stalin's prosecutor" Vyshinsky (1934) harshly criticized any reference to real independence of judges and the inability of government crack down on the objectionable judges in administrative procedure. By the way, Vyshinsky's theoretical heritage largely consists of publications in

[1] Вышинский, А.Я. (1934). *Очерки по судоустройству в СССР. Марксистско-ленинское учение о суде и советская судебная система*, 2, 42–43. Москва: Советское законодательство.

[2] Волкогонов, Д.А. (1989). Триумф и трагедия. Политический портрет И. В. Сталина. *Кн. 1. Ч 1.* Москва: Издательство АПН, 44–45.

[3] *Декрет об упразднении всех судебных учреждений 1919* (Совет народных комиссаров УССР). *Государственный архив Херсонской области* (Фонд Р-360, Опись 1, Единица 55, 106).

[4] *Постановление о поднятии авторитетов судов 1921* (Совет народных комиссаров УССР). *Государственный архив Херсонской области* (Фонд Р-3131, Опись 1, Единица 39, 48).

[5] *Постановление о невмешательстве административных органов в деятельность судебных учреждений 1921* (Всеукраинский центральный исполнительный комитет). *Государственный архив Херсонской области* (Фонд Р-1887, Опись 3, Единица 24, 18).

[6] Голяков, И.Т. (1940). *XVIII съезд и задачи судебных органов*. Москва: Юриздат, 21.

the sphere of implementation of judicial activity in the USSR. Apparently, that is the meaning of soviet prosecutorial job: carrying out supervision over the observance of socialist legality by the courts, reminding them that the authority of the leader and strict obedience is prerequisite for the operation of any socialist institutions and in case of disobedience – arranging "cleans" and "reprisals".

Based on the above as well as analysis of the categories of cases within the jurisdiction of the courts, we can come to the conclusion that since the beginning of 1930s, when courts acquired command-bureaucratic features, their role is becoming worthless. Formally, dispensing "justice", courts have completely lost their independence from policy of the state. They are not perceived by society as bodies restoring justice and actually become bodies nothing depends on which. First, only political cases and crimes of a military nature, then – eventually any case, could fall under the jurisdiction of military tribunals. Resolutions adopted by quasi-judicial bodies were often performed immediately. In case of disagreement of defendant with the verdict and appeal the judgment, acquittal was almost equal to zero. The situation is particularly aggravated with formulation Stalin's concept "enemy of the people" and application of presumption of guiltiness.

Thus theoretical secession of the judiciary as separate branch happens though nominal fixing along with the executive and legislative held at the constitutional level. In fact, all power is concentrated in hands of leader of the party and depends on his will. All regulations are the result of political will of single political force and implementation of policy decisions. The autonomy of courts disappears. Simplifying of proceedings and bureaucratization of procedures happens. Since, the bureaucracy is consistent with the style of governing of Stalin who was aware of life of society less than about red tape and staff management. As a result, judiciary does not perform functions of the main regulator of social relations but becomes a formal institution for realization of political will.

In addition to foregoing it is necessary to pay attention that life of society could be learned, including from photos and images. As an example literature about Japanese Courts is full of images of historical court buildings from different periods. Although this trend is more inherent in common law countries. Since, the oldest school of law Lincoln's Inn in London (UK) has maintained a huge gallery of portraits not only of judges from different eras, but also paintings, images with court rooms and courts heraldry of different counties. Nowadays archives in Ukraine contain thousands of pictures from the Soviet times; there are many photographs of studied period. However, their content indicates the priority of industrial facilities. Images of factories, stores, amusement parks, beaches, streets, houses, exhibitions, meetings, boards of honor, monuments to Soviet leaders, so on, have survived to our times, but only the image of the court buildings in the archives there are practically no. It appears the situation speaks for itself and does not demand detailed clarifications.

In further Soviet times, significant changes in the judicial system are practically not the case. Its reform toward democratization has begun only with gaining independence by Ukraine. Thereby after the collapse of the Soviet Union stereotypes of court position in society and the state are remained in the minds of Ukrainian citizens. Since declaration of independence of Ukraine has been more than two decades. Drawing parallels with the first two decades of the Soviet regime and comparing the period of totalitarization with the period of democratization it is possible to conclude that in the 1920s–1930s the Soviet power and Stalin's regime using political propaganda and mass reprisals made threatening negative image of the court in society that was assigned at the state level in short terms. It seems creation positive and independent "image" of Ukrainian Courts according to the international standards is going to take much more time.

Does Justice Reform in Ukraine bring results as ensuring the independence of the judiciary from the other branches of power and the introduction of a high level of trust and respect of society to the courts during the period of independence? The results of recent sociological researches[1] can help answer this question: 80.6% of respondents do not trust the courts more or mostly. This attitude is due, primarily, the prevalence of corruption (93.9%), dependency of court from politicians (80.5%) and oligarchs (80.1%), dissatisfaction with the level of moral qualities of judges (66.2%), incomprehensibility and closeness of court processes to ordinary man (51.9%), complexity and confusion of judicial system (50.5%) and unwillingness of judges to go for dialogue with the public (43.5%). Results can help summarize that in

[1] Судова реформа: опитування громадської думки, суддів, експертів. *Фонд «Демократичні ініціативи імені Ілька Кучеріва»*. <http://www.dif.org.ua/ua/publications/press-relizy/sudova-reforpertiv-.htm> (2015, October, 26).

Soviet society, people did not trust the courts because of high level of politicization and fear, in the independent Ukrainian society such fear is gone, as well as respect, but trust have never appeared.

It is important that today international organizations support justice reform in Ukraine. These organizations provide methodological and financial assistance in the establishment of a fair, independent and transparent justice system. Japan International Cooperation Agency (JICA) is among them. The key concept underpinning JICA operations since its establishment in 1974 has been the conviction that "capacity development" is central to the socioeconomic development of any country, regardless of the specific operational scheme one may be undertaking, i.e. expert assignments, development projects, development study projects, training programs, JOCV programs, etc. Within this wide range of programs, Training Programs have long occupied an important place in JICA operations. Conducted in Japan, they provide partner countries with opportunities to acquire practical knowledge accumulated in Japanese society. Participants dispatched by partner countries might find useful knowledge and re-create their own knowledge for enhancement of their own capacity or that of the organization and society to which they belong.

Japan was the first non-Western country to successfully modernize its society and industrialize its economy. At the core of this process, which started more than 140 years ago, was the "adopt and adapt" concept by which a wide range of appropriate skills and knowledge have been imported from developed countries; these skills and knowledge have been adapted and/or improved using local skills, knowledge and initiatives. They finally became internalized in Japanese society to suit its local needs and conditions. From engineering technology to production management methods, most of the know-how that has enabled Japan to become what it is today has emanated from this "adoption and adaptation" process, which, of course, has been accompanied by countless failures and errors behind the success stories.

Today JICA presumes that such experiences, both successful and unsuccessful, will be useful to its partners who are trying to address the challenges currently faced by developing countries. However, it is rather challenging to share with the partners this whole body of Japan's developmental experience. This difficulty has to do, in part, with the challenge of explaining a body of "tacit knowledge," a type of knowledge that cannot fully be expressed in words or numbers. Adding to this difficulty are the social and cultural systems of Japan that vastly differ from those of other Western industrialized countries, and hence still remain unfamiliar to many partner countries. Simply stated, coming to Japan might be one way of overcoming such a cultural gap[1]. Thus attending of such training courses is an opportunity to get acquainted with a number of sources hither to unknown Ukrainian scientific thought, to achieve significant scientific results at carrying out of thesis research, as well left its imprint in the minds of the researcher and allowed to change the angle of view on problem of the role of courts in public and state life.

It should be mentioned that according the rating of Transparency International (2014) Japan has 15th position relative to the other countries and territories[2]. That means this country is perceived clean from public sector corruption. Herewith, judiciary is regarded as least corruption institution. At the same time, Ukraine occupies 142th place in this register that means it as well as its judicial system is perceived as highly corrupt. It is not surprising that the Ukraine's population is not just notice this fact. This situation causes dissatisfaction among the majority of ordinary citizens, hinders the process of building a civil society in Ukraine, complete effective judicial reform.

In the second half of the 19th century Japan as well as Ukraine has freed itself from the feudal system. In 1890 the Imperial Japanese Constitution or the old Constitution has been enforcement. Could not be said the Constitution to be entirely perfect, though it had adopted the doctrine of the separation of powers. Thus since that time, judicial independence in Japan is provided on constitutional level. The old Constitution itself was mainly modeled after the constitution of Prussia, the typical constitutional monarchy at the time of its adoption. That is to say, the old Constitution sustained a system in which the sovereignty of the state was vested in the Emperor, who exercised the sovereign power. Accordingly, in the Old Constitution the doctrine of separation of powers was adopted in the form that the legislative power would be exercised by the Emperor with the consent of the Diet; the executive power by the Cabinet with the

[1] Criminal Justice Response to Corruption: Group Training. *Japan International Cooperation Agency*. <http://www.jica.go.jp/brazil/portuguese/office/courses/c8h0vm00008t3y7t-att/J1404005_-_Criminal_Justice_Response_to_Corruption.pdf> (2015, October, 26).

[2] Corruption Perceptions Index 2014. *Transparency International the global coalition against corruption*. <http://www.transparency.org/cpi2014/results> (2015, October, 25).

Prime Minister as the head who was an official of the Emperor; and the judicial power, as a sovereign function of the Emperor by the court in the name of the Emperor. Both the criminal trial to punish an offender and the civil action settling disputes between individuals were referred to the court. As to other disputes involving legal rights and remedies – for example, the disputes between the cabinet and the people when the cabinet exercises executive power – the court had no power to decide[1].

The scientific literature[2] indicates that the preservation of judicial independence underwent the greatest strains in prewar Japan from the late 1920s through the 1930s. During these years judges were, like other government officials, subject to increasingly strident ideological forces of all extremes. Some judges held moderate to extreme progressive views. A few were prosecuted under the Peace Preservation Act or induced to resign because of suspected communist views. Others shared prevailing conservative nationalist views. Most presumably kept their ideological beliefs private and avoided both extremes.

The prewar concern over judicial independence centered not on either political intervention in the judiciary or political activity by judges but on the independence of judges from the procuracy and administrative oversight of the judiciary. The Japanese bar was essentially critical of the Ministry of Justice's supervision over both judges and prosecutors. The bar's concern was not any potential political intervention but the close identification of judges with the procuracy. Criminal defense attorneys were especial critical. They considered this identification especially inappropriate. They and other lawyers, all members of the trial bar, also resented their inferior status relative to both procurator and judge.

For judges as well, Ministry of Justice control involved concern over status, lack of full autonomy, and career separation of judicial and prosecutorial offices. The judges of the Great Court of Cassation, including the chief justice, were ranked interior in status to the minister of justice. The administrative authority of the Ministry of Justice also meant that the procuracy had an often determinative voice in the assignment of judges including appointment of the chief justice of Japan's highest court and also could and did claim equality of status. Since judges were equals within the ministry bureaucracy, it should be emphasized, they did exercise a significant degree of influence over the administration of justice in general and predominant influence over the administration of the courts. Nonetheless, conflicts were bound to occur, and when they did the potential for prosecutorial influence was unavoidable. This is not surprising that among the postwar reforms desired by the judiciary itself was to gain as much institutional autonomy as possible.

The prewar record contains nothing to suggest, however, that political intervention in judicial affairs was a matter of concern. The problem in the late 1920s and 1930s was the converse – entry into politics after retirement by justice officials at the highest level and their sustained effort to reduce the influence of democratic political forces in Japanese governance.

In legal literature, is often referred that Japanese courts are unique in other respects as well. Judicial corruption is virtually unknown. Judges do not take bribes. A combination of factors helps to explain this extraordinary integrity. Even what might be considered relatively minor infractions in other highly respected legal systems including the United States' can be and are swiftly and severely punished. Both formal process and informal means apply[3]. For example, Japan adopted impeachment system for the dismissal of judges in accordance with the Constitution of Japan. The Law on the Impeachment of Judges was enacted in 1947. Since its establishment, the Judge Impeachment Court has convened impeachment trials on a total of nine judges, of whom seven have been dismissed. Of these seven, judicial qualifications have been reinstated through qualification restoration trials for three persons (as of April 2013)[4]. A judge was removed in 1978 for having made a telephone call to the prime minister impersonating the procurator general. He was convicted in 1983 for the misconduct as an offence under the Public Employees Act. Only *one case* (*italic added* – M. D.) involved conviction of a judge for receiving unlawful pecuniary benefit in return for an official favor – a case in which a judge had been treated to a golf game by a lawyer who was subsequently appointed a trustee in bankruptcy.

This is one of the first factors by which Japanese courts are social trusted and respected by citizens.

[1] *Outline of Japanese judicial system* (1961). Tokyo: Supreme Court of Japan, 1–2

[2] Haley, John O. (2007). The Japanese Judiciary: Maintaining Integrity, Autonomy, and the Public Trust. In Daniel H. Foote (Ed.) *Law in Japan*. Seattle, WA: University of Washington Press, 116–117.

[3] Haley, John O. (2007). The Japanese Judiciary: Maintaining Integrity, Autonomy, and the Public Trust. In Daniel H. Foote (Ed.) *Law in Japan*. Seattle, WA: University of Washington Press, 112–114.

[4] Past cases. *Judge Impeachment Court.* <http://www.dangai.go.jp/> (2015, October, 25).

The next is the way of thinking of judges. Japanese are proud of mindset and legacy of their predecessors. Thus, widely spread example when district judge Yoshitada Yamaguchi considered himself a man of high principles – so high he could not patronize the black market. The judge resolved to support his family on his legal salary and his legal rations. He died at the age of 33 of tuberculosis and malnutrition. Citing this example Japanese lawyers emphasize that their country was poor in 1920–1930s, but public morality and desire to rise from knees helped in its development. Besides government policy has been turned to build an independent judicial power through the use of democratic mechanisms of legal regulation. Strong judiciary made developing country attractive for investments which in its turn gave benefits to Japanese society and state.

However, in Japan not only government has influence on the construction of judiciary needed by society. As an example of legal regulation in the sphere of justice with the help of public mind it is possible to give the following circumstances. The jury system in Japan was put into effect from 1928 in criminal trials. But there was a strong tendency among the people to trust the judgment of an expert judge. This is why people declined jury trial, or they did not demand trials by jury. Such a phenomenon became more and more conspicuous, and cases which are submitted to a jury for deliberation came to show a steady decrease, and finally in 1943 this system was suspended for the reason of the war. But no steps have yet been taken to revive the system after the end of the war[1].

In democratic states community has the right to choose government and replace its representatives in the event of dissatisfaction with the results of their work, including when creating or reforming the justice system. To do this, there are mechanisms provided by the law. These mechanisms have to be followed for the inadmissibility of chaos and anarchy.

Also, community has the right to formulate public request, and the state has corresponding duty to clarify the key points of such inquiry. The political elite in the face of the state cannot ignore the interests of community as only community can lead the elite to power and, if necessary, withdraw it. Meanwhile, Ukrainian history knows cases of manipulation of public opinion by the ruling elite and the nomination of political ideas that are contrary to the public interest as requested by the community. Only if there is an effective system of checks and balances, this situation is impossible.

Next, the state develops mechanism of realization of the public inquiry with the help of qualified professionals. After the implementation of this mechanism, it ascertains the level of customer satisfaction by the result in relation to expectations. This should not be confused with populism. Likewise, the necessity of participation of professionals in the process of formulation the requirements to the judicial system and development of the mechanism to implementation should not be ignored.

Furthermore, in a democratic state the court serves as regulator of social relations, it is a tool to restore justice and the subject of human rights protection. Based on this study neither Japanese courts nor the courts of Soviet Ukraine fully posses this role in society within the specified historical period of 1920–1930s. In this case in the system of public authorities courts are put in dependence on other branches of government and the head of the state.

Therefore, it should be noted that the above mentioned states have parallels in the historical development: 1) exemption from the feudal system in the second half of the nineteenth century; 2) the basis for taking Civil Law Tradition in the design of the legal system; 3) the use of legislation, which is fixed principle of the separation of power quite conditionally, that is not satisfied in practice; 4) the existence of cases of enforcement on the court by the legislative and executive branches of government, prosecution and the head of state.

However, it is impossible to miss the difference between the level of economic development of modern Japan, which economy had been ranking second place in the world almost two decades and Ukraine, which has huge foreign loans and an unfavorable investment climate due to corruption of the judiciary. And if Japanese justice system, which has formed under the new post-war constitution, almost fully meets the requirements of society and copes effectively with its functions, it is impossible say this about Ukraine. Courts in modern Ukraine are not trusted, because they do not fully meet the expectations of the consumer.

After the Dignity Revolution, in order to increase the level of confidence in the courts, the idea of a complete replacement of judges became actually. But it is necessary to note that a similar situation has

[1] *Outline of Japanese judicial system* (1961). Tokyo: Supreme Court of Japan, 16–17.

occurred in the history of our country, namely in the period of judicial reform in 1922. Thus the election of judges in the people's courts was conducted in accordance with the requirements of the revolutionary time, among of workers and peasants, involved in the actual historical period of socialist transformation. The measure would rather political than legal. By studying the personality of Stalin, we have come to the conclusion that he was not sufficiently educated and erudite to create a qualitatively functioning system of justice. His dictatorial ambitions were only enough to create punitive judicial machine directed against the interests of the public, but not to protect them. In modern Ukraine it is unacceptable to allow the situation when professional revolutionaries are elected to work in the judiciary, instead of qualified jurists. This can lead to irreparable consequences.

It should also be mentioned that in 1920–1930s the Japanese justice system contains a number of shortcomings: the high level of corruption, lack of autonomy, struggle of the individual with the system. Characteristically, that rethinking the mistakes made in the process of historical development, the Japanese government has reached a compromise with the community according to which, strong judiciary is beneficial to both parties. Since, with the help of quality of judicial functioning the interests of the state and its policies for economic development are realized. Consequently this has positive effect on the level of the community life as a whole and meets its needs.

In the analyzed period in the Soviet Ukraine government puts its policy as such that meets the public's demand for the establishment of the people's courts for the working class. Persecution of the same goal of economic development is carried out through the use of the court as a tool for physical annihilation of opponents of the ruling regime, and citizen's exploitation as a tool to force the economic plans.

In the period of independence of Ukraine the courts dependence on the policy used by stakeholders to their enrichment on the basis of unfair judicial decisions concerning the redistribution of state assets. As a consequence, property with the transition from state ownership to private, meets only the economic interests of stakeholders, and not the whole society. Caused by this low level of government revenues is directly reflected in financial support of judges, who were faced with the choice making fair decisions and unfair, but for a fee from stakeholders, agreeing in favor of the last. These circumstances gave rise to a high level of mistrust in the judicial system on the part of different sectors of the population, which is observed in a number of contemporary sociological researches.

Thus the dependence of the court on the subjective factor becomes a crucial element in the assessment of public attitudes to justice and a key aspect of the formation of the court's role in society and state.

References

Criminal Justice Response to Corruption: Group Training. *Japan International Cooperation Agency.* <http://www.jica.go.jp/brazil/portuguese/office/courses/c8h0vm00008t3y7t-att/J1404005_-_Criminal_Justice_Response_to_Corruption.pdf> (2015, October, 26).

Corruption Perceptions Index 2014. *Transparency International the global coalition against corruption.* <http://www.transparency.org/cpi2014/results> (2015, October, 25).

Dekret ob uprazdnenii vsekh sudebnykh uchrezhdenii 1919 (Sivet narodnykh komissarov USSR). *Gosudarstvennyi arkhiv Khersonskoi oblasti* (Fond R-360, Opis 1, Edinitsa 55, 106).

Goliakov, I. T. (1940). *XVIII siezd I zadachi sudebnykh organov*. Moskva: Yurizdat.

Haley, John O. (2007). The Japanese Judiciary: Maintaining Integrity, Autonomy, and the Public Trust. In Daniel H. Foote (Ed.) *Law in Japan*. Seattle, WA: University of Washington Press, 99–135.

Leontiev, A. A. (1905). Sud I yego nezavisimost. Sankt Peterburg: Tipografiia N. N. Klobukova.

Outline of Japanese judicial system (1961). *Tokyo: Supreme Court of Japan*.

Past cases. *Judge Impeachment Court*. <http://www.dangai.go.jp/> (2015, October, 25).

Postanovlenie o podniatii avtoritetov sudov 1921 (Sovet narodnykh komissarov USSR). *Gosudarstvennyi arkhiv Khersonskoi oblasti* (Fond R-3131, Opis 1, Edinitsa 39, 48).

Postanovlenie o nevmeshatelstve administrativnykh organov v deiatelnost sudebnykh uchrezhdenii 1921 (Vseukrainskii tsentralnii ispolnitelnii komitet). *Gosudarstvennyi arkhiv Khersonskoi oblasti* (Fond R-1887, Opis 3, Edinitsa 24, 18).

Sudova reforma: opytuvannia gromadskoi dumky, suddiv, ekspertiv. *Fond "Demokratychni initsiatyvy imeni Ilka Kucheriva"*. <http://www.dif.org.ua/ua/publications/ press-relizy/sudova-reforpertiv-.htm> (2015, October, 26).

Volkogonov, D. A. (1989). *Triumf I tragediia. Politicheskii portret I. V. Stalina*. Moskva: Izdatelstvo APN.

Vyshynskii, A. Y. (1934). *Ocherki po sudoustroistvu v SSSR. Marksistsko-leninskoye ycheniye o cude I sovetskaya sudebnaya sistema*. Moskva: Sovetskoye zakonodatelstvo.